

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X-FILED

1/22/08

-----X
 Merchant Cash &
 Capital LLC. :
 Plaintiff, :
 - against - :
 Fried Okun, Inc., et al/pt :
 The BrightBells et al :
 Defendant(s). :
 -----X

SCHEDULING ORDER
 07 10345
 Civ. (SAS)

Conference Date:

SHIRA A. SCHEINDLIN, U.S.D.J.:

WHEREAS, the Court issued an Order for a Conference in accordance with Fed. R. Civ. P. 16(b) on 1/18/08 (the "Order); and

WHEREAS, the Order requires that the parties jointly prepare and sign a proposed scheduling order containing certain information;

NOW, THEREFORE, the parties hereby submit the following information as required by the Order:

- (1) the date of the conference and the appearances for the parties;
Breach of contract and resulting damages
- (2) a concise statement of the issues as they then appear;
Principals of T - on or before March 31, 2008 *Principals of A - on or before April 15, 2008* *Third - party on or before May 15, 2008*
- (3) a schedule including:
 - (a) the names of persons to be deposed and a schedule of planned depositions;
Initial disclosures - January 31, 2008
Discovery demands served by February 28, 2008
 - (b) a schedule for the production of documents;
Initial disclosures - January 31, 2008
Discovery demands served by February 28, 2008
 - (c) dates by which (i) each expert's reports will be supplied to the adverse side and (ii) each expert's deposition will be completed;
(C)(i) June 30, 2008
(C)(ii) July 30, 2008
 - (d) time when discovery is to be completed;
(d) August 15, 2008

non-discovery
Complete by 5/30

(e) the date by which plaintiff will supply its pre-trial order matters to defendant;

9/15/2008

(f) the date by which the parties will submit a pre-trial order in a form conforming with the Court's instructions together with trial briefs and either (1) proposed findings of fact and conclusions of law for a non-jury trial, or (2) proposed voir dire questions and proposed jury instructions, for a jury trial; and

10/1/2008

(g) a space for the date for a final pre-trial conference pursuant to Fed. R. Civ. P. 16(d), to be filled in by the Court at the conference.

June 16 at 4:30

(leave blank)

(4) a statement of any limitations to be placed on discovery, including any protective or confidentiality orders;

(5) a statement of those discovery issues, if any, on which counsel, after a good faith effort, were unable to reach an agreement;

(6) anticipated fields of expert testimony, if any;

(7) anticipated length of trial and whether to court or jury;

2 1/2 days; Court.

(8) a statement that the Scheduling Order may be altered or amended only on a showing of good cause not foreseeable at the time of the conference of when justice so requires;

(9) names, addresses, phone numbers and signatures of counsel;

William Bennett
Bennett, Gilman, McCormick & Poore

Attorneys for Plaintiff

454 8th Ave

NYC 10001

646.328.0120

SO ORDERED:

Shira A. Scheindlin
U.S.D.J.

1/18/08 UNPBR

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John H. -